**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.11657 OF 2006**

**ORAL ORDER:**

The petitioner seeks a declaration that the alleged action of the respondents in evicting the petitioner from the land to an extent of Ac.0.50 cents in R.S.No.212 of Pedabheempalli village, Devipatnam Mandal, East Godavari District, in pursuance of the eviction order passed by the 2nd respondent dated 24.8.2005, pending disposal of the appeal before the 1st respondent, is arbitrary and illegal.

It is not in dispute that the order of eviction dated 24.8.2005 was passed in exercise of the powers under Section 3(2)(a) of the A.P. Scheduled Areas (Land Transfer) Regulation 1 of 1959, read with Regulation 1 of 1970. Admittedly, the petitioner has already preferred an appeal against the said order before the 1st respondent. The only grievance of the petitioner is that the said appeal has not been considered and no orders have been passed by the 1st respondent so far, but in the meanwhile, steps are being taken by the respondents to dispossess him on the basis of the eviction order dated 24.8.2005. Hence, this writ petition.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader for Social Welfare, appearing for the respondents.

The learned Government Pleader at the outset, pointed out that the statutory appeal against the order of eviction was filed beyond the limitation prescribed, and therefore, it is for the appellate authority to consider the explanation offered by the petitioner and to pass appropriate orders.

Having regard to facts and circumstances of the case and particularly keeping in view that the petitioner has already preferred statutory appeal, without expressing any opinion on merits, the writ petition is disposed of with a direction to the 1st respondent to consider the application to condone the delay as well as the application for stay of operation of the order of eviction dated 24.8.2005 filed by the petitioner and to pass appropriate orders in accordance with law, as expeditiously

as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. Till such time, *status quo* obtaining as on today as to the nature and possession of the land in question shall be maintained.

The writ petition is accordingly, disposed of. No costs.

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**(G. ROHINI, J.)**

13th June, 2006.

Kgr

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.11657 OF 2006**

13th June, 2006.

Between:

Kamisetty Surya Rao. .. Petitioner.

And

The Additional Agent to the

Government, Rampachodavaram

East Godavari District and two others. .. Respondent.